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Request for the inclusion of a supplementary item in the agenda of the seventy-third session

Observer status for the European Public Law Organization in the General Assembly

Letter dated 17 August 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General

In accordance with rule 14 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the seventy-third session of the General Assembly of a supplementary item entitled "Observer status for the European Public Law Organization in the General Assembly".

Pursuant to rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (annex I) and a draft resolution (annex II) are attached to the present letter.

I should be grateful if you would have the present letter and its annexes circulated as a document of the General Assembly.

(*Signed*) Nuno **Mathias**
Chargé d'affaires a.i.

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Annex I

Explanatory memorandum

A. The European Public Law Organization fulfils the legal criteria for observer status in the General Assembly

In its decision 49/426 of 9 December 1994, adopted without a vote, the General Assembly, on the recommendation of the Sixth Committee and taking note of the oral report presented to the Sixth Committee on 25 November 1994 by the Chair of the Working Group on the question of criteria for the granting of observer status in the General Assembly, decided that the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly.

The European Public Law Organization was founded on 21 June 2007 under an international treaty entitled the "Agreement for the Establishment and Statute of the European Public Law Organization", which was deposited with the United Nations on 25 August 2008. In accordance with the treaty, the organization was established as an intergovernmental international organization to create and disseminate knowledge in the area of public law sensu lato and to promote universal European values for law and governance through a dialogue among civilizations. In this context, it has already developed, organized, promoted and supported more than 250 educational, research, training, institution-building and other activities and has provided assistance to institutions in more than 70 countries. In the field of education, the organization has established an international university, the European Law and Governance School, with full undergraduate and postgraduate curricula. Its headquarters are located in Athens, and it has four branches and nine regional offices in 12 different States across the globe.

In order to accomplish its purposes, as provided in article II (2) of its statute, the organization promotes cooperation with other institutions, organizations and bodies, in particular organizations in the United Nations system. Recently, the organization has had the honour of being granted observer status to the International Labour Organization (ILO), the World Intellectual Property Organization (WIPO) and the International Organization for Migration (IOM) by decision of their governing bodies. Furthermore, since 2012, the organization has become a partner in the Global Forum on Law, Justice and Development of the World Bank, having endorsed the joint declaration and statement of commitment on supporting the Global Forum on Law, Justice and Development. Since 2016, the organization has also worked in close collaboration with the United Nations Office on Drugs and Crime (UNODC) in Vienna on the basis of a memorandum of understanding aimed at furthering the shared objectives of the two institutions in regard to anti-corruption courses, projects and programmes.

B. Membership

As of 1 April 2018, 13 States members of the United Nations have signed and ratified the constitutive treaty of the organization and are thus full members. These are, by order of ratification, Greece, Italy, Cyprus, the Republic of Moldova, Armenia, Bosnia and Herzegovina, Serbia, Albania, Georgia, Romania, Hungary, Portugal and Bulgaria. Four more Member States, namely Azerbaijan, Estonia, France and Ukraine, hold seats on the Board of Directors of the organization while their ratification is pending, thanks to a rule of the treaty concerning matters of transition, while other countries have officially or unofficially declared their intention to ratify the treaty.

C. Governance

The Board of Directors and the Assembly, which constitute the organization's main governing bodies, comprise all aforementioned States. Representatives from the European Commission and the Council of Europe also sit on the Board. In addition, to ensure broad cooperative relations, three public authorities and 70 universities and research institutions sit on the Board with an advisory role. The Board approves the organization's workplan and budget, reviews its activities and supervises its technical, research and administrative activities. The organization is also governed by an executive committee and a director, and has developed a full system of governance, including an administrative court, an ombudsman, a board of auditors and an ethics committee.

D. Advantages of granting observer status to the European Public Law Organization

The various activities of the organization advance in a practical manner many of the objectives of the United Nations and help it to fulfil its purpose, particularly in the field of public law, and with regard to the wider dissemination and appreciation of governance systems, the rule of law and human rights around the globe. It is the mission of the organization to collaborate with the United Nations and to support its work and its officials in this endeavour. Moreover, the organization already maintains an ongoing collaboration with the specialized agencies and programmes of the United Nations, such as the World Bank Group, WIPO, UNODC and ILO.

The activities of the organization cover matters of interest to the General Assembly. The actions of the two bodies are complementary, particularly in areas such as the dissemination of scientific knowledge, education, training, knowledge transfer and institution-building worldwide. Both institutions actively promote dialogue between different countries and civilizations and propose mutually beneficial methods of cooperation on objectives that benefit societies as a whole. Building a closer link with the organization would provide the United Nations with additional resources for its work on the rule of law, human rights and development.

The granting of observer status will greatly benefit the organization's ability to achieve its goals. The organization will be able to follow closely the deliberations in the General Assembly and gain access to contacts and information in a forum that often deals indirectly with adherence to the rule of law in international transactions and the improvement of the use of legal resources in the development process. The gaining of observer status would also initiate a closer interaction with all the relevant organs of the United Nations system, as appropriate, for the furtherance of aims common to the United Nations and the organization.

Granting the organization observer status in the General Assembly would be a natural development emerging from the current situation. The organization would gain a better understanding of the global activities of the United Nations in areas linked to the promotion of the rule of law and universal values, while the United Nations would benefit from the direct contribution and expertise of the organization as a research and training institution and from its more coordinated participation in the United Nations, both centrally and through direct relations with the specialized agencies.

Annex II

Draft resolution

Observer status for the European Public Law Organization in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the European Public Law Organization,

1. *Decides* to invite the European Public Law Organization to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the action necessary to implement the present resolution.